IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA MIDDLE DIVISION

JAMIE SIMS, et al.,

Plaintiffs,

V.

MAC HALCOMB in his capacity as Sheriff of Marshall County, Alabama,

Defendant.

Defendant.

CIVIL ACTION NO.

94-AR-1566-M

DEC 2 0 2000

MEMORANDUM OPINION

The proposed settlement of the above-entitled class action was set for a fairness hearing at 9:30 a.m. on December 19, 2000, at which time the matter was called for hearing. The plaintiff class was represented by counsel, and the defendant was present, both in person and by counsel. The order entered by the court on November 2, 2000, setting the hearing, expressly required that any objection to the proposed settlement be filed with the Clerk on or before December 15, 2000. No such objections were filed, and no objectors appeared at the hearing on December 19, 2000.

Defendant presented proof, and the court finds, that the notices required to be published by the court's order of November 2, 2000, were, in fact, published, so that the members of the plaintiff class received the notice to which they were entitled under Rule 23(e), F.R.Civ.P., before any binding compromise of their claims could be approved by the court.

The court finds as a fact that the settlement agreement executed on December 19, 2000, is fair and reasonable and constitutes a well conceived resolution of the controversy.

A separate judgment approving and incorporating the settlement agreement will be entered.

DONE this _______ day of December, 2000.

WILLIAM M. ACKER, JR.

UNITED STATES DISTRICT JUDGE

Witho on Adus